GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:1612
ANSWERED ON:28.11.2002
FAMILY COURTS
AKHILESH SINGH

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the nature of disputes which would come for justice under the purview of family courts; and

(b) the measures contemplated by the Government to make such courts free from prolonged litigation which is prevalent in other courts?

Answer

MINISTER OF LAW & JUSTICE (SHRI K. JANA KRISHNAMURTHI)

(a)&(b) A statement is enclosed as Annexe.

Annexe

Statement referred to in reply Parts (a) & (b) to Lok Sabha Unstarred Question No.1612 to be answered on Thursday, the 28th November, 2002.

(A) The Family Courts deal with the following matters:

(a) Declaration of marriage as null and void

(b) Restituion of conjugal rights,

(c) Judicial separation,

(d) Dissolution of marriage,

(e) Declaration as to matrimonial status of any person,

(f) Declaration as to the ownership of property of the party concerned,

(g) Interim order or injunction arising out of marital relationship,

(h) Declaration of legitimacy of any person or guardianship of a person or the custody or access to any minor, and

(i) Suits or proceedings for maintenance.

(B) The following measures have been taken by the Government to make Family Courts free from prolonged litigation prevalent in other courts.

(i) Efforts are made in the Family Courts for settlement of disputes through reconciliation and achievement of socially desirable results rather than adherence to rigid rules of procedure and evidence adopted in ordinary civil proceedings.

(ii) In these courts, as per Section 13 of the Family Courts Act, 1984, no party is entitled to be represented by a lawyer or a legal practitioner as a matter of right.

(iii) The judges in Family Courts are assisted by counselors for settling the disputes through conciliation.The Counsellors, appointed

by State Governments in consultation with High Courts to advise the parties regarding settlement of disputes, help the parties in fulfilling legal formalities and arriving at conciliated settlements.

(iv) The Department of Justice monitors the disposal of cases by the Family Courts.The States/UTs are periodically reminded to set up more Family Courts. From the present year (2002-03), the Central Government has started giving grants to States for meeting 50% of the cost of constructing the Family Court, constructing the residence of the Judge and for meeting 50% of the annual running expenses on such courts - including the salary of the Judge/supporting staff, in order to encourage the States to set up more Family Courts.